

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MARK BARRETT,)
vs. Plaintiff,) Case No.: 09-299-MJR
ILLINOIS CENTRAL RAILROAD)
COMPANY)
Defendant.)

COMPLAINT

NOW COMES the Plaintiff, MARK BARRETT, by and through his attorneys, BLUNT SLOCOMB, LTD., and for his Complaint against Defendant, ILLINOIS CENTRAL RAILROAD COMPANY., states as follows:

1. That on or about October 28, 2008, MARK BARRETT was employed as a trainman and conductor for Defendant ILLINOIS CENTRAL RAILROAD COMPANY and was working in or around Mattoon, Illinois.
2. At said time and place, Defendant, ILLINOIS CENTRAL RAILROAD COMPANY , was and is a corporation organized and existing under the law of Illinois and doing business in the State of Illinois, operates a railroad and owns track, land and facilities throughout Illinois and, specifically, within this District and this Division.
3. At all times mentioned herein and pertinent hereto, Plaintiff, MARK BARRETT, had and has been a resident of Mt. Vernon, Illinois, and Plaintiff had been employed as a trainman and conductor by Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, in and

around this District and this Division and during said times was under the direction, control and supervision of Defendant, ILLINOIS CENTRAL RAILROAD COMPANY.

4. This action arises under the provisions of Title 45 of the United States Code, commonly known as the Federal Employers' Liability Act, §51-60 and the rights and duties of the parties arise therein and by virtue thereof this Court has subject matter jurisdiction.

5. On or about October 28, 2008, Plaintiff, MARK BARRETT, was working as a conductor for Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, when he was instructed by Defendant, ILLINOIS CENTRAL RAILROAD COMPANY to throw, by hand, a power switch at which time he sustained serious bodily injuries to his right shoulder and elbow while in the performance of his duties.

6. At all relevant times mentioned herein, the Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, owed the duty to provide Plaintiff with a reasonably safe place to work.

7. The injuries to Plaintiff were caused in whole or in part by one or more of the following acts of negligence or omissions of Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, its agents, servants and employees:

- a. It failed to provide Plaintiff with a reasonably safe place to work;
- b. It failed to provide Plaintiff with reasonably safe conditions to work;
- c. The defendant negligently and carelessly failed to provide plaintiff with reasonably safe methods of performing his work;
- d. The defendant negligently failed to provide plaintiff with reasonably safe tools and equipment to perform the work assigned to him; and
- e. The defendant negligently and carelessly failed to provide plaintiff with proper supervision, direction,

and instruction, regarding the tasks he was performing.

8. As a result thereof, Plaintiff, MARK BARRETT, incurred injuries which have caused and will continue to cause him great pain, suffering, inconvenience, anguish and disability; as a further result, Plaintiff, has been and will in the future be kept from attending his ordinary affairs and duties, and has lost and will lose wages and benefits which he otherwise would have made and acquired; as a further result, Plaintiff has incurred medical, hospital and related expenses and is reasonably certain to incur further medical, hospital and related expenses in the future.

9. The amount in controversy in this cause of action exceeds the maximum jurisdictional amount of \$75,000.00.

WHEREFORE, Plaintiff, MARK BARRETT, prays for judgment against the Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, in a sum which is fair and reasonable and in an amount which will fully and completely compensate him for his damages and for the costs of this action.

Respectfully submitted,

MARK BARRETT

By: s/Paul T. Slocomb
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